

REMARKS/ARGUMENTS

The Examiner rejected claims 1-9, 17-18 and 40-43 as being obvious over Graves, U.S. Patent Number 5,410,344, in view of Herz, U.S. Patent No. 6,020,883.

Graves is related to a system for selecting audiovisual programs for presentation to a viewer. The programs have attributes and a corresponding content code including information pertaining to the attributes. The system includes a viewer preference file that is stored and a plurality of content codes, where the preference file and content codes are compared to select programs for presentation to the viewer. In particular, the preferences include a scale from 1 through 10 to indicate the desirability of particular channels (see Figure 6) and ratings (see Figure 5). The preferences also include a "no interest" indication (see Figures 5 and 6). A neural network uses the differences in the 1 through 10 preferences to rate each of the programs (see Figure 4). Hence, the preferences of 1 through 10 provided to the neural network increase the desirability of the program to a different degree or set to 'no interest'.

The Examiner suggests that perhaps the 'hierarchical structure' as claimed involves performing equation 1 of Graves, see column 8, lines 20-25. More accurately, Graves discloses a set of inputs, namely, A0 through An which are arranged in a non-hierarchical manner, namely, a large list of preferences each of which having a value from 1 through 10. It is noted that none of the preferences are dependent upon other preferences, nor subsets thereof. The preferences then are input to a neural network which performs an analysis of the non-hierarchical data based upon equation 1 as noted by the Examiner. The neural network in essence performs a mathematical function based upon the set of non-hierarchical preferences to provide an output x. A neural network is a convenient manner of processing a data set with a large set of inputs. Graves et al. fail to disclose the hierarchical structure of the attribute information itself, nor suggest the benefit of such a hierarchical structure of the attribute information itself, of the claimed invention.

Claim 1 patentably distinguishes over the prior art by claiming where the user attribute information and the program attribute information includes hierarchical levels, wherein at least one of the attribute information is at a first level and at least two of the user attribute information is at a second level dependent upon the at least one of the user attribute information at the first level, wherein at least one of the program attribute information is at a first level and at least two of the program attribute information is at a second level dependent upon the at least one of the program attribute information at the first level

In contrast, Graves fails to disclose hierarchical levels, nor suggest the desirability thereof. The claim 1 more clearly claims a set of hierarchical levels of the data itself, as illustrated in FIGS. 51-80 of the present application.

Claims 2-9 depend from claim 1, and are patentable for the same reasons asserted for claim 1.

Claim 10 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claims 11 and 13-15 depend from claim 10, and are patentable for the same reasons asserted for claim 10.

Claim 17 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claim 18 depends from claim 17, and is patentable for the same reasons asserted for claim 17.

Claim 19 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claims 20-24 depend from claim 19, and are patentable for the same reasons asserted for claim 19.

Claim 25 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claims 26-28 depend from claim 25, and are patentable for the same reasons asserted for claim 25.

Claims 29 and 33 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claims 30-32 and 34-38 depend from claims 29 and 33, and are patentable for the same reasons asserted for claims 29 and 33.

Claim 39 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claims 40-49 depend from claim 39, and are patentable for the same reasons asserted for claim 39.

Claim 50 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claims 51-53 depend from claim 50, and are patentable for the same reasons asserted for claim 50.

Claim 57 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claim 59 depends from claim 57, and is patentable for the same reasons asserted for claim 57.

Claim 60 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claims 61-64 depend from claim 60, and are patentable for the same reasons asserted for claim 60.

Claim 65 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

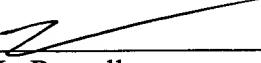
Claims 66-69 depend from claim 65, and are patentable for the same reasons asserted for claim 65.

This Amendment is being submitted with a Request for Continued Prosecution, together with a Petition for Extension of Time, together with the requisite fees. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Deposit Account No. 03-1550.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 26, 2006.

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